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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,939	08/07/2001	Manfred Peisker	1533.3150001/SRL/RJS	9524

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EXAMINER	
SWIATEK, ROBERT P	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,939	PEISKER ET AL.	
	Examiner	Art Unit	
	Robert P. Swiatek	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11-20-01 et al*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-16, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes Jr. et al. (US 3,437,075) in view of Vinci et al. (WO 93/10667: Ref. AM2 on PTO-1449 filed 31 January 2002). The Hawes Jr. et al. feed dispenser (see Figure 9 of the patent) includes additive storage bins 104, dispenser means 102 for metering additives from the bins into a tank 106, a line 108 for supplying liquid to the tank, a device 138, 140 for measuring flow of liquid into tank 106, a pump (unnumbered, but described in column 7, line 4, of Hawes Jr. et al.) connected to source line 108, a valve 114 in line 108, and a trough 16. Operation of the pump would be dependent upon the liquid level in tank 106 and hence the position of device 138, 140. A container holding a supply of amino acid is not present in Hawes Jr. et al. nor also is a means of calculating the amount of additives to be supplied via means 102 to the tank 106. It would have been obvious to one skilled in the art, however, to employ at least one container of liquid amino acid with the bins 104 of Hawes Jr. et al., in view of the teaching of Vinci et al. that amino acids serve as important nutritional supplements for animals, along with other ingredients (see pages 7, 8 of Vinci et al.). As to claim 21, the use of a calculation means for determining the precise amount of liquid feed to provide the animals would have been obvious to one skilled in

the art and in view of applicants' admission on page 6 of the specification that such formulae are known adjuncts of the prior art.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes Jr. et al. as modified by Vinci et al. as applied to claim 11 above, and further in view of Jefferson et al. (US 6,199,512 B1). It would have been obvious to one skilled in the art to replace the measuring device 138, 140 of the combination Hawes Jr. et al. as modified by Vinci et al. with the flow meter 36 of Jefferson et al., in order to allow more precise amounts of water to be metered into the tank 106 of Hawes Jr. et al.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In line 2, "the liquid mixture" lacks a prior antecedent basis.

The abstract of the disclosure is objected to because in line 2, "is described" should be deleted. Correction is required. See MPEP § 608.01(b).

RPS: ©703/308-2700
18 June 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~333~~ 3643